

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
FORT PIERCE DIVISION**

NSAC, LLC,

Plaintiff,

v.

THE SCHOOL BOARD OF ST. LUCIE
COUNTY, FLORIDA,

Defendant.

Case No. 2:22-cv-14106-AMC

**PLAINTIFF NSAC, LLC’S RESPONSE TO DEFENDANT THE SCHOOL BOARD
OF ST. LUCIE COUNTY, FLORIDA’S MOTION TO DISMISS DUE TO MOOTNESS**

Plaintiff NSAC, LLC (“NSAC”) hereby submits this response to Defendant The School Board of St. Lucie County, Florida’s (the “Board”) Motion to Dismiss the Complaint for Lack of Subject Matter Jurisdiction (“Motion”) due to mootness.

NSAC’s Complaint concerned WCO Spectrum LLC’s (“WCO”) purported non-binding offer dated February 22, 2022 (“Offer”) to purchase the Educational Broadband Service Licenses held by the Board. According to the Board’s Motion and its exhibits, WCO withdrew its Offer on May 27, 2022. In light of the withdrawal of the Offer, NSAC does not oppose the Board’s motion. Because the Board is seeking to dismiss the Complaint for lack of subject matter jurisdiction, any order of dismissal is not on the merits and should be without prejudice. *See Stalley ex rel. United States v. Orlando Reg’l Healthcare Sys., Inc.*, 524 F.3d 1229, 1232 (11th Cir. 2008).

Dated: June 15, 2022

Respectfully submitted,

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